

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|---|---|---------------------------|
| UNITED STATES OF AMERICA ex rel. |) | |
| Kenya D. Fowler, |) | |
| STATE OF INDIANA, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 1:20-cv-01525-JPH-MJD |
| |) | |
| MERIDIAN HEALTH & WELLNESS, INC., |) | |
| Dr. ROBERT C. PRATHER, |) | |
| LISA PRATHER, |) | |
| |) | |
| Defendants. |) | |
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| KENYA D. FOWLER bringing this action |) | |
| on behalf of the United States of America |) | |
| and the State of Indiana, |) | |
| |) | |
| Relator. |) | |

ORDER

Relator Kenya Fowler brought this *qui tam* action on behalf of the State of Indiana and the United States of America in May 2020. Dkt. 1. Plaintiff State of Indiana elected to partially intervene in December 2020. Dkt. 12; see Ind. Code 5-11-5.7-4(e)(1). Relator Fowler filed an amended complaint on February 16, 2021, removing her state-law claim on behalf of Indiana. Dkt. 24. Indiana has filed a notice of voluntary dismissal of the action brought on its behalf with prejudice. Dkt. 28.

By Indiana statute, the Indiana attorney general may, with court approval, "dismiss the action after: (1) notifying the person who initially filed

the complaint; and (2) the court has conducted a hearing at which the person who initially filed the complaint was provided the opportunity to be heard on that motion." Ind. Code 5-11-5.7-5(b).

Here, Relator Fowler—"the person who initially filed the complaint"—has been notified of the dismissal through service of the notice of dismissal on March 4, 2021. *See* *dk.* 28. But Ms. Fowler has not exercised her "opportunity to be heard" on the dismissal. *See* Ind. Code 5-11-5.7-5(b). Ms. Fowler shall have through **April 6, 2021** to file a waiver of the statutory right to a hearing.

SO ORDERED.

Date: 3/24/2021



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

Jonathan A. Bont
PAGANELLI LAW GROUP
jon@paganelligroup.com

Lawrence J. Carcare, II
OFFICE OF THE INDIANA ATTORNEY GENERAL
Lawrence.Carcare@atg.in.gov

Edward Timothy Delaney
BOSE MCKINNEY & EVANS, LLP (Indianapolis)
tdelaney@boselaw.com

Gregory W. Guevara
BOSE MCKINNEY & EVANS, LLP (Indianapolis)
gguevara@boselaw.com

Gregory Forrest Hahn
BOSE MCKINNEY & EVANS, LLP (Indianapolis)
ghahn@boselaw.com

Justin R. Olson
UNITED STATES ATTORNEY'S OFFICE (Indianapolis)
justin.olson2@usdoj.gov

Robert E. Saint
EMSWILLER WILLIAMS NOLAND & CLARKE
rsaint@ewnc-law.com